

Manifestation Determination IDEA 97

(Conducted when change in placement is for disciplinary removal, i.e., 1. Removal is for more than 10 consecutive school days; or 2. Removal constitute a pattern because they cumulate to more than 10 school days in a school year, and because of factors such as: 1. Length of each removal, 2. Total amount of time the child is removed, and 3. Proximity of the removals to one another.)

Must Consider:

1. Evaluation/Diagnostic results
2. Observations
3. IEP/Placement

Must Determine All: *(In relationship to the behavior)*

1. IEP/Placement were appropriate
2. Supplementary aids and services were provided
3. Behavioral interventions were provided if needed
4. The disability did not impair the student's ability
 - a. To understand the impact and consequences of the behavior
 - b. To control the behavior

“No Manifestation”

1. all of 1-4 above determined,
all of 1-3 considered
2. Student can be disciplined as non-disabled, but:
 - Must continue FAPE and parents have right to expedite hearing if not in agreement

Is a “Manifestation”

1. Placement can not be changed except through usual IEP process (other than to an interim alternative educational setting)
2. No suspension past 10 school days, no expulsion
3. Common sense: address behavior in IEP because behavior has now “interfered with learning”